

# **EXHIBIT 16**

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF OHIO  
3                   EASTERN DIVISION  
4   IN RE:   NATIONAL                   :   MDL No. 2804  
5            PRESCRIPTION OPIATE       :  
6   LITIGATION                        :   Case No. 17-md-2804  
7                                       :  
8   APPLIES TO ALL CASES           :   Hon. Dan A. Polster  
9                                       :  
10                                      :  
11                                      :

12                   HIGHLY CONFIDENTIAL  
13                   SUBJECT TO FURTHER CONFIDENTIALITY REVIEW

14                                      - - - -

15                   DECEMBER 20, 2018

16                                      - - - -

17    VIDEOTAPED DEPOSITION OF JOSEPH EDWARD MILLWARD,  
18    taken pursuant to notice, was held at Marcus &  
19    Shapira, One Oxford Center, 35th Floor, Pittsburgh,  
20    Pennsylvania 15219, by and before Ann Medis,  
21    Registered Professional Reporter and Notary Public in  
22    and for the Commonwealth of Pennsylvania, on  
23    Thursday, December 20, 2018, commencing at 9:07 a.m.

24                                      - - - -

25                   GOLKOW LITIGATION SERVICES  
                  877.370.3377 ph | 917.591.5672 fax  
                  deps@golkow.com

1 MS. CHARLES: Amber Charles from  
2 Covington & Burling representing McKesson  
3 Corporation.

4 MR. BARNES: Robert Barnes, Marcus &  
5 Shapira, HBC.

6 MR. KOBRIN: Joshua Kobrin from Marcus &  
7 Shapira. I also represent HBC.

8 THE VIDEOGRAPHER: The court reporter  
9 today is Ann Medis, and she will now please swear  
10 in the witness.

11 JOSEPH E. MILLWARD,  
12 having been first duly sworn, was examined  
13 and testified as follows:

14 EXAMINATION

15 BY MR. HUDSON:

16 Q. Good morning, sir. Could you please  
17 state your name for the record.

18 A. Joseph Edward Millward.

19 Q. And, Mr. Millward, my name is Ty Hudson,  
20 and I represent several of the plaintiffs in this  
21 matter.

22 Where do you currently reside?

23 A. Erie, Pennsylvania.

24 Q. And you are a former employee of Giant  
25 Eagle?

1 A. I am.

2 Q. And Giant Eagle owns HBC Service  
3 Company; is that right?

4 A. Correct.

5 Q. And are you represented by counsel here  
6 today?

7 A. I am.

8 Q. And are Mr. Barnes and Josh your  
9 attorneys?

10 A. Yes, they are.

11 MR. HUDSON: And, Josh, I apologize for  
12 mispronouncing your last name.

13 BY MR. HUDSON:

14 Q. And are they paying for your services  
15 here today or is HBC?

16 A. HBC.

17 Q. Have you had your deposition taken  
18 before?

19 A. Yes.

20 Q. How many times?

21 A. Once.

22 Q. And what was the subject matter of the  
23 litigation?

24 A. It was an employment matter.

25 Q. Were you a party to the matter?

1 an investigation could be fully fleshed out.

2 Q. That was if a flag was generated by the  
3 person you had hired to do investigation --

4 A. Correct.

5 Q. -- with this Supply Logic program?

6 A. Correct. His name was Jason Mullen.

7 Q. And he could do these investigations and  
8 he could stop the shipment when that store made an  
9 order if he found there was a reason to  
10 investigate that store; is that correct?

11 A. That is correct.

12 Q. Now, were there other situations in  
13 which you could not necessarily stop a shipment  
14 even after you identified an order of interest?

15 A. So the Kayla report was a report that  
16 came out the next day after a store had received  
17 the order, and that's where that store had already  
18 received it. So it afforded the opportunity to  
19 investigate at that point and stop future orders  
20 it determined to be suspicious and then  
21 subsequently reported as required.

22 Q. Did you ever do that, stop future  
23 orders?

24 A. We did.

25 Q. And was there anything else you could do

1 even if the order had been started to be filled at  
2 the warehouse or even filled at the warehouse and  
3 shipped? Had you lost control of the order?

4 A. Because, as stated earlier, Giant Eagle  
5 distributed to itself, we were our customer, we  
6 knew everything about the characteristics of our  
7 store and had control of and control of the  
8 product from where it entered into the DC till it  
9 left in a prescription for an end user patient.

10 If something needed to be quarantined and  
11 removed from dispensing stock, we had the ability  
12 to have our stores pull that aside, if necessary,  
13 to prevent it from being dispensed.

14 Q. You talked about a visit to Purdue that  
15 you made in order to see their practices. Why did  
16 Giant Eagle visit Purdue?

17 A. It was a conference call. It was a  
18 conference call that we had. And I believe Purdue  
19 reached out to us through the purchasing group,  
20 put in contact with me for George and I to have a  
21 conference call, again, along the lines of the  
22 Thrifty White, for example.

23 It was just another example of reaching out  
24 to determine what are some other things other  
25 organizations -- now Purdue being very different